

REMARKS

This amendment is submitted in reply to the Office Action dated May 1, 2008. Claims 1-18 currently stand rejected. Applicant has amended independent claims 1 and 10 to correct informalities. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Objections

Independent claims 1 and 10 are objected to for including informalities. Specifically, independent claims 1 and 10 recite “plurality of radio frequency unit” and the Examiner suggests amending independent claims 1 and 10 to instead recite “plurality of radio frequency units”.

Applicant has amended independent claims 1 and 10 to incorporate the Examiner’s suggestion and therefore requests withdrawal of the objections to independent claims 1 and 10.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 6, 8, 10, 11, 13, 15 and 17 currently stand rejected under 35 U.S.C. §103(a), as being unpatentable over Tsunehara et al. (U.S. Patent No. 6,907,260, hereinafter “Tsunehara”) in view of Sadri (U.S. Patent No. 6,621,808). Claims 3, 5, 7, 9, 12, 14, 16 and 18 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Tsunehara in view of Sadri and further in view of various ones of Jin et al. (U.S. Patent Application Publication No. 2005/0159118, hereinafter “Jin”), O’Neill (U.S. Patent Application Publication No. 2006/0084379), Catreux et al. (U.S. Patent Application Publication No. 2002/0183010, hereinafter “Catreux”), and Otsuka et al. (U.S. Patent Application Publication No. 2005/0026614, hereinafter “Otsuka”).

Independent claims 1 and 10 each recite, *inter alia*, adjusting transmission power of the downlink channel corresponding to the uplink channel according to the average signal quality, so that the transmission power of the downlink channel corresponding to the uplink channel with a lower signal quality is relatively lower. As an initial matter, Applicant respectfully notes that neither Tsunehara nor Sadri teaches or suggests this feature.

The claimed invention relates explicitly to downlink power control via the particular mechanism described above. However, Tsunehara describes uplink power control. In this regard, Tsunehara's disclosure at col. 1, lines 29-32, col. 3, line 66 to col. 4, line 2, col. 4, lines 37-59, the Abstract, and FIG. 33 are all clear examples of the disclosure of Tsunehara in relation to uplink power control. Notably, the Office Action cites Tsunehara's disclosure at col. 6, lines 65-67 and col. 7, lines 1-15 as corresponding to the above underlined feature of independent claims 1 and 10. However, these cited passages of Tsunehara are also quite explicit in their disclosure of uplink power control. Furthermore, Tsunehara describes a comparator for comparing signal quality (SIR) and target signal quality (T-SIR) to generate a signal that selects 0 (a signal instructing to decrease the transmit power) in a selector in cases when $SIR < T-SIR$ (see col. 2, lines 34-43 and col. 16, lines 39-45). Accordingly, the channel with the lower average signal quality is increased in Tsunehara, which is contrary to the power control mechanism of independent claims 1 and 10. Thus, Tsunehara has no teaching or suggestion of downlink power control, much less downlink power control according to the particular mechanism defined in independent claims 1 and 10.

Sadri fails to cure the above noted deficiency of Tsunehara and is not cited as such. In fact, Sadri relates to the prediction of power levels for each finger in a Rake receiver and is also not related to downlink power control as provided in independent claims 1 and 10. Moreover, although the combination of Sadri and Tsunehara does not meet the claimed invention, even if one were to assume that the respective disclosures of Sadri and Tsunehara met the claimed invention (an assumption with which Applicant expressly disagrees), one of skill in the art would not have any reason to combine Sadri and Tsunehara given that Sadri and Tsunehara are related to completely different technical problems than that of the claimed invention.

The remaining references, namely Jin, O'Neill, Catreux and Otsuka also fail to cure the above noted deficiencies of Sadri and Tsunehara and are not cited as such. Since the cited references each fail to teach or suggest the above recited feature, any combination of the cited references also fails to teach or suggest the above recited feature of independent claims 1 and 10. Accordingly, independent claims 1 and 10 are patentable over the cited references. Claims 2-9 and 11-18 depend either directly or indirectly from respective ones of independent claims 1 and

Appl. No.: 10/599,531
Amdt. Dated 07/28/2008
Reply to Office Action of 05/01/2008

10, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-9 and 11-18 are patentable for at least those reasons given above for independent claims 1 and 10.

Accordingly, Applicants respectfully submit that the rejections of claims 1-18 are overcome.

Appl. No.: 10/599,531
Amdt. Dated 07/28/2008
Reply to Office Action of 05/01/2008

CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON JULY 28, 2008.**